

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig.

5. This sheet replaces the corrected Fig. 5 that was filed on
October 20, 2005.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

The Office Action has been carefully reviewed. No claim is allowed. Claims 74-82 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and withdrawal of the rejection are therefore respectfully solicited.

The examiner indicates that the replacement drawing (Fig. 5) filed with the amendment of October 20, 2005, is not acceptable because the three letter codons CAA and TAT are not correct. The examiner further indicates that Gln138 as shown on Exhibit D is wrong.

The three letter codons CAA and TAT noted in Exhibit B are correct in Fig. 5 but the amino acid residues that they code for are incorrect in Fig. 5. Codons CAA and TAT should correctly code for Gln138 and Tyr132, respectively. The correction of amino acid residues 132 and 138 in Fig. 5 from Thr132 and Glu138 to Tyr132 and Gln138 is shown in the corrected Fig. 5 attached hereto for the examiner's review and approval.

With regard to Exhibit D, the residue at position 138 should be Gln. It is not understood why the examiner is indicating in Exhibit D, page 1 of 2, that Gln at residue position 138, encoded by the codon CAA, is wrong.

The examiner states that the amendment filed January 31, 2005, is objected to because it introduces new matter into

the disclosure. The examiner indicates that SEQ ID NO:5 filed in that amendment and the sequence disclosed in PCT/IL99/00485 are not identical and refers to the sequence alignment provided in Exhibit A. This objection is respectfully traversed.

The sequence alignment shown in Exhibit A, page 2 of 2, left column, shows only two differences at residues 132 and 138. While the errors in Fig. 5 is being corrected by the instant amendment, the substitute sequence listing attached to the amendment filed October 20, 2005, correctly identifies residues 132 and 138 as Tyr and Gln, respectively. This is not new matter because the codons for residues 132 and 138 are presented in Fig. 5 and SEQ ID NO:1 as being TAT and CAA, respectively. It is clearly understood by those in the art that codons TAT and CAA code for Tyr and Gln, and not Thr and Glu. Accordingly, there is no matter introduced into the disclosure.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 70, 77, 79 and 80 have been objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is obviated by the correction to Fig. 5 and by the sequence listing attached to the amendment filed October 20, 2005. Nucleotides 459-602 of SEQ ID NO:1 does indeed encode

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

residues 118-165 of SEQ ID NO:5 of the sequence listing filed October 5, 2005.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 67-82 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner clarified that claims 74-82 are being rejected for new matter. The rejection as it relates to claims 67-73 is obviated by the cancellation of claims 67-73 without prejudice. The rejection as it relates to claims 74-82 is obviated by the showing above that SEQ ID NO:5 merely correctly identifies the three amino acid residues 65, 132 and 138 (discrepancies in Exhibit B) as Glu, Tyr and Gln, respectively, which are encoded by the codons GAA, TAT and CAA of SEQ ID NO:1 (Fig. 5). Accordingly, the correction of residues 65, 132 and 138 to Glu, Tyr and Gln, respectively, in SEQ ID NO:5 is fully supported by the application as originally filed and cannot be considered to be new matter.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

Appln. No. 09/786,867
Amdt. dated July 3, 2006
Reply to Office action of April 3, 2006

allowance. Favorable consideration and early allowance are
earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /ACY/_____
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\C\cohn\moroz3\pto\2006-07-03amendment.doc

Appln: No. 09/786,867
 Amd. Dated July 3, 2006
 Reply to Office Action of April 3, 2006
 Annotated Sheet Showing Changes

7/15

TTGACACCAGACCAACTGGTAATGGTAGCGACCGCGCTCAGCTGGAAATTCGAAAAATGT

AATGCACACTCCATTGCATTACGCCCGCCTCTCCTTAGTCGCCGCC

met	thr	thr	ala	ser	thr	ser	gln	val	arg	gln
ATG	ACG	ACC	GCG	TCC	ACC	TCC	CAG	GTG	CGC	CAG
asn	tyr	his	gln	asp	ser	glu	ala	ala	ile	asn
AAC	TAC	CAC	CAG	GAC	TCA	GAG	GCC	GCC	ATC	AAC
arg	gln	ile	asn	leu	glu	leu	tyr	ala	ser	tyr
CGC	CAG	ATC	AAC	CTG	GAG	CTC	TAC	GCC	TCC	TAC
val	tyr	leu	ser	met	ser	tyr	tyr	phe	asp	arg
GTT	TAC	CTG	TCC	ATG	TCT	TAC	TAC	TTT	GAC	CGC
asp	asp	val	ala	leu	lys	asn	phe	ala	lys	tyr
GAT	GAT	GTG	GCT	TTG	AAG	AAC	TTT	GCC	AAA	TAC
phe	leu	his	gln	ser	his	glu	glu	arg	glu	his
TTT	CTT	CAC	CAA	TCT	CAT	GAG	GAG	AGG	GAA	CAT
ala	glu	lys	leu	met	lys	leu	gln	asn	gln	arg
GCT	GAG	AAA	CTG	ATG	AAG	CTG	CAG	AAC	CAA	CGA
gly	gly	arg	ile	phe	leu	gln	asp	ile	lys	lys
GGT	GGC	CGA	ATC	TTT	CTT	CAG	GAT	ATC	AAG	AAA
pro	asp	cys	asp	asp	trp	glu	ser	gly	leu	asn
CCA	GAC	TGT	GAT	GAC	TGG	GAG	AGC	GGG	CTG	AAT
ala	met	glu	cys	ala	leu	his	leu	glu	lys	asn
GCA	ATG	GAG	TGT	GCA	TTA	CAT	TTG	GAA	AAA	AAT
val	asn	gln	ser	leu	leu	glu	phe	pro	ser	pro
GTG	AAT	CAG	TCA	CTA	CTG	GAA	TTT	CCT	TCT	CCT
ile	ser	pro	ser	pro	ser	cys	trp	his	his	tyr
ATC	TCT	CCC	AGT	CCT	AGC	TGC	TGG	CAT	CAC	[thr]
thr	thr	asn	arg	pro	gln	pro	gln	his	his	leu
ACT	ACT	AAC	AGA	CCG	CAA	CCT	CAA	CAC	CAC	CTT
leu	arg	pro	arg	arg	arg	lys	arg	pro	his	ser
CTT	CGA	CCC	CGC	CGG	AGG	AAG	AGA	CCC	CAT	TCT
ile	pro	thr	pro	ile	leu	ile	phe	arg	ser	pro
ATA	CCA	ACA	CCT	ATT	CTG	ATT	TTT	CGG	TCA	CCC

TGA AGTTTATATTCTATCTACCAGGCTTGGGAATAATCTCCCATATTGTAACCTAC

TACTCCGGAAATCGCTGTGCGCTAACCGCTAACATTACTGCAGGCCACCTACTCATGCAC

CTAATTGGAAGCGCCACCGCTAGCAATATCAACCATTAACTTCCCTCTACACTTATCATC

TTCACAATTCTAATTCTACTGACTATCCTAGAAATCGCTGTGCGCTTAATCCAAGCCTAC

GTTTTCACACTT ~~TTTTCACACTT~~ GTATTA GCCTCTACCTGCACGACAA CATATAAAAAAA

Fig. 5